

Remarks

The Applicant respectfully requests entry of the foregoing amendments and reconsideration of the application in view of the amendment above and the remarks below.

Interview

At the outset, the undersigned would like to express appreciation to Examiners Hines and Smith for their time and courtesies extended during the interview conducted on June 29, 2006. The subject matter of the pending claims were discussed during the interview in view of Geng et al. (“Geng”). Potential new claims were also discussed.

Specification

The Specification has been amended to state the provisional cases from which this case claims priority.

Claim Objections

Claim 2 was objected to because the claim does not include a period.

Claim Rejections

Claims 1-26 and 37-41 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description.

Claims 1-26 and 37-41 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter which the Applicant regards as the invention.

Claims 1-5, 11-15, 19-20 and 37-41 were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Geng.

Claims 6-8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Geng and Niederkofler et al. (“Niederkofler”).

Claims 16-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Geng and Wall et al. (“Wall”).

Claims 1-26 and 37-41

Claims 1-26 and 37-41 have been canceled thereby rendering moot all objections and rejections of such claims.

New Claims 44-60 Are Allowable

Independent claim 44 recites “exposing the first monitor peptide and a labeled version of the first monitor peptide to a first binding agent . . . exposing the second monitor peptide and a labeled version of the second monitor peptide to a second binding agent, the second binding agent being different than the first binding agent.” As discussed during the interview, none of Geng, Niederkofler, and Wall, alone or in proper combination, discloses such a method. The Applicant respectfully notes that independent claim 44 includes the subject matter of claim 24, which was not rejected under 35 U.S.C. 102 or 103. Accordingly, the Applicant respectfully submits that independent claim 44 and the claims that depend therefrom are allowable over Geng, Niederkofler, Wall, and any proper combination thereof.

New Claims 61-66 Are Allowable

Independent claim 61 recites “exposing the peptide mixture to an antibody that binds to the monitor peptide and to the labeled version of the monitor peptide to produce bound monitor peptides.” As the Examiner noted in the Office Action, the Geng reference does not teach the use of antibodies as binding agents. As discussed during the interview, the combination of Geng and Niederkofler is improper.

Specifically, Geng discloses the use of peptides of digested proteins. As the Examiner indicated in the Office Action, Niederkofler discloses the use of antibodies for extraction of specific proteins. Accordingly, the use of antibodies for specific proteins would not work in a mixture of peptides as disclosed in Geng. Thus, as the combination of the references would not function, it would not be obvious to one of skill in the art to combine the teachings of the references. Additionally, as the claim recites “an antibody that binds to the monitor peptide,” it would not have been obvious to one of skill in the art (and might not be possible) to utilize the protein specific antibodies disclosure of Niederkofler to bind with the monitor peptide.

The Applicant respectfully submits that independent claim 61 and the claims that depend therefrom are allowable over Geng, Niederkofler, Wall, and any proper combination thereof.

New Claims 67-72 Are Allowable

Independent claim 67 recites "exposing the peptide mixture to a binding agent that specifically binds to the monitor peptide and to the labeled version of the monitor peptide to produce bound monitor peptides." Support for the idea that the binding agent specifically binds to the monitor peptide may be found, for example, at pages 12 and 20 of the specification as filed. As the Examiner noted in the Office Action, Geng discloses that classes of peptide fragments were selected by affinity chromatography. Accordingly, the Applicant respectfully submits that independent claim 67 and the claims that depend therefrom are allowable over Geng, Niederkofler, Wall, and any proper combination thereof.

Conclusion

All of the stated grounds of objection and rejection have been rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that such rejections be withdrawn. The Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: July 10, 2006

COOLEY GODWARD LLP
ATTN: Patent Group
The Bowen Building
875 15th Street NW, Suite 800
Washington, DC 20005-2221
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD LLP

By:



Timothy D. Ford
Reg. No. 47,567